

notice of allowance. Applicant believes that the proper patent term adjustment should be 1,245 days for the reasons set forth in detail below.

Applicant filed the above-referenced application on March 22, 2001. On April 5, 2004, an Office Action for the above-referenced application was mailed to Applicant's representative. This was the first notification under 35 U.S.C. § 132 or 35 U.S.C. § 151 received by Applicant for the above-referenced application. The mailing date of the Office Action is more than 14 months after the filing date of the application. Under the provisions of 37 C.F.R. § 1.702(a)(1) Applicant believes that the above-referenced application is entitled to a patent term adjustment.

The period of adjustment for extension of the patent term for the above-referenced application can be calculated under the provisions of 37 C.F.R. § 1.703(a)(1). The application was filed on March 22, 2001. The day after the date that is fourteen months after the date on which the application was filed is May 23, 2002. The first Office Action was mailed on April 5, 2004. The patent term extension is, therefore, the number of days from May 22, 2002 until April 5, 2004, or 670 days.

Applicant further requests an additional extension because the patent is expected to issue more than three years after the filing date. Specifically, Applicant filed the above-referenced application on March 22, 2001. On April 14, 2005, a Notice of Allowance for the above-referenced application was mailed to Applicant's representative. Under the provisions of 37 C.F.R. § 1.702(b) Applicant believes that the above-referenced application is entitled to a further patent term extension.

The additional period of adjustment for extension of the patent term for the above-referenced application can be calculated under the provisions of 37 C.F.R. § 1.703(b). The application was filed on March 22, 2001. The Notice of Allowance was mailed on April 14,

2005. The Tuesday before the date that is 28 weeks after the mailing of the Notice of Allowance is October 27, 2005. The day that is three years after the filing of the application is March 22, 2004. The additional patent term extension is, therefore, the number of days from March 22, 2004 until October 27, 2005, or 584 days.

The total patent term extension is therefore 1254 days.

A period of adjustment for reduction is patent term for the above-referenced application can be calculated under the provisions of 37 C.F.R. § 1.704(b). The first Office Action was mailed on April 5, 2004. A response to the Office Action was due 3 months from the mailing date of the Office Action, or July 5, 2004. The day after the date that is three months after the date on which the Office Action was mailed is July 6, 2004. Applicant filed a response with the Patent Office on July 6, 2004, which was received by the Patent Office on July 12, 2004. The reduction of the period of adjustment of the patent term for the response to the first Office Action is therefore 7 days.

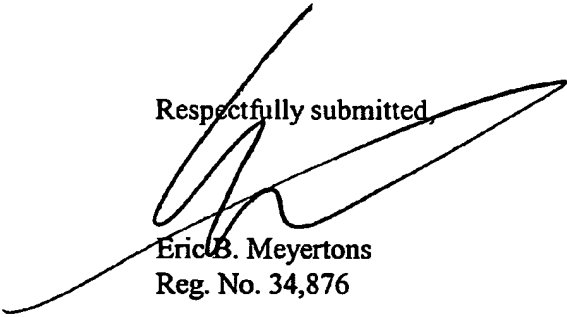
A second Office Action was mailed on November 2, 2004. A response to the Office Action was due 3 months from the mailing date of the Office Action, or February 2, 2005. The day after the date that is three months after the date on which the Office Action was mailed is February 3, 2005. Applicant filed a response with the Patent Office on February 1, 2005, which was received by the Patent Office on February 4, 2005. The reduction of the period of adjustment of the patent term for the response to the second Office Action is therefore 2 days.

The total reduction of the patent term extension is therefore 9 days.

The total patent term adjustment is the difference of the patent term extension, 1254 days, and the patent term reduction, 9 days. The total patent term adjustment should therefore be 1245 days.

Applicant has included a fee authorization that includes an authorization for the payment of the fees for filing an application for patent term extension. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5664-00200/EBM.

Respectfully submitted,



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